

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JAMES B. MOORE

PLAINTIFF

v.

Civil No. 4:07-cv-04011

NURSE PENNY, Miller
County Detention Center;
SGT. RENE WRIGHT; and
WARDEN GRIFFEN

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, James B. Moore, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 15, 2007. He proceeds *pro se* and *in forma pauperis*. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2005), the Honorable Jimm Larry Hendren, United States District Judge, referred this case to the undersigned for the purpose of making a report and recommendation.

Discussion

On August 29, 2007, Defendants filed a motion to compel answers to discovery requests (Doc. 19). The motion to compel was granted by order entered on September 18, 2007 (Doc. 20). Plaintiff was directed to provide Defendants with the requested discovery responses by October 8, 2007.

On October 26, 2007, Defendants filed a motion to dismiss (Doc. 21). In their motion to dismiss, Defendants stated they had not received any discovery responses from the Plaintiff or any communication from him regarding his discovery responses.

On November 2, 2007, a show cause order was entered (Doc. 22). Plaintiff was given until November 19, 2007, to show cause why this action should not be dismissed based on his failure to

obey the orders of this court and his failure to prosecute this action. Plaintiff was advised that failure to respond to the show order would result in this case being summarily dismissed.

To date, Plaintiff has not responded to the show cause order. The show cause order was not returned to the court as undeliverable. Plaintiff has not requested an extension of time to respond to the show cause order. Plaintiff has not communicated with the court in anyway.

Conclusion

I therefore recommend that Defendants' motion to be dismiss (Doc. 21) be granted and this case be dismissed with prejudice. Fed. R. Civ. P. 41(b).

The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 26th day of November 2007.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE